

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF INDIANA  
INDIANAPOLIS DIVISION**

**WENDI R. MORSE and FELICIA KAY  
PENNINGTON individually and on  
behalf of others similarly situated,**

**Plaintiffs,**

**V.**

**MER CORPORATION d/b/a DANCERS  
SHOWCLUB,**

**Defendant.**

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**) CAUSE NO: 1:08-cv-1389 WTL-JMS**

## **PLAINTIFFS' MOTION FOR SUMMARY JUDGMENT**

Plaintiffs Wendi R. Morse and Felicia Kay Pennington (together, “Plaintiffs”), by counsel, pursuant to Rule 56 of the Federal Rules of Civil Procedure, respectfully request that this Court grant summary judgment in their favor and against Defendant MER Corporation d/b/a Dancers Showclub (“Defendant”) on their claim that Defendant violated the Fair Labor Standards Act (“FLSA”) 29 U.S.C. §201, et. seq. As Plaintiffs’ supporting brief and materials attached thereto demonstrate, there are no genuine issues of material fact in regards to Plaintiffs’ claim that Defendant misclassified them as independent contractors, as opposed to employees, and failed to pay wages to them at all times in which they worked as Entertainers. As such, judgment as a matter of law is appropriate on their FLSA claim and Plaintiffs respectfully request the same.

For the legal and factual basis supporting their Motion, Plaintiffs would direct the Court to their Brief in Support of Motion for Summary Judgment and Designation of Evidence in

Support of Plaintiffs' Motion for Summary Judgment, both of which have been filed contemporaneous to this Motion.

Respectfully submitted,

/s/ Andrew G. Jones

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### **CERTIFICATE OF SERVICE**

The undersigned hereby certifies that a copy of the foregoing was been served on the 14<sup>th</sup> day of January, 2010, by way of the Court's Electronic Case Filing system upon the following counsel of record:

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